

Interview Summary

Application No.

09/851,849

Applicant(s)

DAVID ET AL.

Examiner

Erica E Cadugan

Art Unit

3722

All participants (applicant, applicant's representative, PTO personnel):

(1) Erica E Cadugan.

(3) _____.

(2) David Okey.

(4) _____.

Date of Interview: 27 January 2004.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☒ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
If Yes, brief description: _____.

Claim(s) discussed: all pending.

Identification of prior art discussed: U.S. Pat. No. 5,533,845 (Glover) and U.S. Pat. No. 5,106,243 (Hunt).

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR § 1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant submitted the attached request for reconsideration.

Re Applicant's arguments that neither Glover nor Hunt teach a router based on an asserted definition of a router, Examiner noted that Applicant's definition of "router" did not appear to be in line with either art-recognized or dictionary definitions of a router. Examiner specifically noted that the Merriam-Webster's Collegiate Dictionary, 10th ed., defines a "router" as "a machine with a revolving vertical spindle and cutter for milling out the surface of wood or metal", and noted that it appeared that both the devices taught by Glover and Hunt could thus be considered "routers".

Re Applicant's arguments that neither Glover nor Hunt teach the particular workpiece claimed, e.g., a "sheet metal" workpiece, Examiner noted that (whether Glover's workpiece can be considered a "sheet" aside) a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963). In the instant case, it is noted that there appears to be nothing preventing the tools taught by Hunt and Glover to perform routing of a "sheet metal" workpiece or "an aircraft skin lap" as claimed. Examiner further noted that the tool is blind to the workpiece on which it operates. Additionally note that "[i]nclusion of material or article worked on by a structure being claimed does not impart patentability to the claims." *In re Young*, 75 F.2d 966, 25 USPQ 69 (CCPA 1935) (as restated in *In re Otto*, 312 F.2d 937, 136 USPQ 458, 459 (CCPA 1963)). See also MPEP section 2115.

Applicant further asserted that neither Glover nor Hunt teaches that the fasteners are drilled "through" the workpiece since they don't extend all the way through the workpiece. Examiner, upon reviewing a dictionary definition of the term "through" that sets forth "extending from one surface to another", Examiner noted that Applicant is correct. Glover is silent about whether or not the fasteners extend all the way "through" the workpiece, and Hunt does not explicitly teach a situation or workpiece where the fasteners extend all the way "through" the workpiece. Thus, Examiner is issuing a further non-final action to address this issue.

FACSIMILE COVER SHEET

Date: January 22, 2004

To: Examiner Erica Cadugan
Fax No: 1-703-746-7230From: Dave Okey
Tel. No: 312-321-4711

Application No: 09/851,849

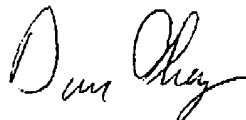
No. of Pages
(inc. this page): 6Confirmation Copy To Follow: Yes ☐ No ☒IF YOU HAVE ANY PROBLEMS RECEIVING THIS MESSAGE,
PLEASE CALL 312-321-4200 AND ASK FOR: Jeanne Scaramella at x308

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COVER MESSAGE:

Dear Examiner Cadugan,

Thank you for your time earlier today. Attached please find a copy of a proposed amendment for discussion on Tuesday, January 27, 2004 at 2 pm EST.

David W. Okey
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Arlington, VA

I hereby certify that this correspondence is being deposited with the United States Postal Service, with sufficient postage, as first class mail in an envelope addressed to:

Commissioner for Patents
Alexandria, VA 22313-1450

00

Date of Deposit

David W. Okey

Name of applicants, assignee or Registered Representative

Signature _____

Date of Signature

Our Case No. 10420/12

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: David et al.

Serial No. 09/851,849

Filing Date: May 9, 2001

For: Router Apparatus

Examiner: Erica E. Cadugan

Group Art Unit No. 3722

PROPOSED

Mail Stop Non-Fee Response
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

Dear Examiner Cadugan:

In response to the non-final Office Action mailed on December 16, 2003, Applicants have timely filed this response as evidenced by the above certificate of mailing. The Examiner is respectfully requested to reconsider the application, to withdraw the rejections, and to advance the claims to allowance.

REMARKS

1. Claims 1-25 are pending in the application. The Examiner has rejected Claims 1-25 under 35 U.S.C. § 102(b) and § 103(a).

2. Claims 12, 15-17, and 20-21 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 5,533,845 to John Glover ("Glover"). The rejection states that "Glover teaches a portable milling machine, the spindle of which is considered a 'router' having a milling bit 61 [which] is ultimately attached to a frame 12 considered the claimed 'platform', which frame 12 is moved in the generally left/right direction shown in the top portion of Figure 1 along a 'guide' track, located within subframe 30 [which] is affixed to the workpiece 10 via fasteners 'drilled' therethrough." Office Action, p. 3, lines 3-6.

Applicants traverse the rejection. Glover is directed to a portable milling machine, not a router. As is well-known in the machining arts, a milling machine typically has at least two degrees of freedom, such as x and y axes, while a router, as claimed in Claim 12, has only a single degree of freedom, a vertical or height adjustment. Therefore, Glover does not disclose the router claimed in Claim 12 and its dependent claims. Glover also does not describe or suggest a router apparatus directed to sheet metal, as claimed. The words "sheet" and "sheet metal" do not appear in the text of Glover. Therefore the limitation of "a sheet metal router apparatus" is not disclosed or suggested in Glover.

In addition, Glover does not describe or suggest the claim limitation of "a guide, fastened to the sheet metal by fasteners drilled through the sheet metal." This claim element requires a physical guide, and includes functional limitations that the guide is fastened by fasteners drilled *through* the sheet metal to which the guide, the platform, and the router are mounted (emphasis added). Even if one were to construe the workpiece of Glover as sheet metal, Figs. 1, 4, and 16 clearly show that Glover's platform 30 is mounted to the workpiece via corresponding attachment sites 33, very thick bosses, such that fasteners through holes 32 and bosses 33 are not drilled through workpiece 10. Glover does not teach that the fasteners penetrate through the holes and bosses, and thus through a "sheet metal" workpiece, as required by Claim 12.

Accordingly, Glover does not describe or suggest all the limitations of Claim 12 and dependent Claims 15-17 and 20-21. The Examiner is therefore requested to withdraw the rejection under 35 U.S.C. § 102(b) of Claims 12, 15-17, and 20-21 in view of Glover.

3. The Examiner has rejected Claims 12, 17 and 20 under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 5,106,243 to Christopher Hunt ("Hunt"). The rejection states that Hunt teaches a portable milling machine, the spindle of which is considered a "router." The rejection notes that the spindle unit is affixed to a movable ram or "platform 26" that moves along a dovetail slide 18 of a bed 12, citing Fig. 1 and col. 2, lines 26-65. The rejection states that the device has a vertical adjustment for adjusting the depth of cut of the milling cutter 68, and also that the bed plate 10 of the guiding device is bolted to a workpiece surface, citing col. 4, lines 18-22. As to Claim 20, the rejection states that carriage block 24, as seen in Fig. 1, serves as a "bearing" as claimed.

Applicants traverse the rejections. As discussed above with respect to the rejections under Glover, Hunt also fails to disclose either a router or sheet metal. Therefore, the claim limitation of "a sheet metal router apparatus" is not met, nor does Hunt disclose or describe "a router having a vertical adjustment." Finally, Hunt does not disclose the claim limitation of "a guide, fastened to the sheet metal by fasteners drilled through the sheet metal." The portion cited by the Examiner for this limitation concerns Fig. 6, which recites "the bed plate 10 is adapted for mounting on a particular work surface from which machining is to be accomplished and for this purpose the bed plate is tack welded or bolted to such surface," i.e. press platen 100 in Fig. 6. See also Fig. 3, which depicts fasteners holding base plate 10 to machined surface 109, but does not depict fasteners drilled through machined surface 109. The machining surfaces of Hunt are very thick workpieces, described as plates or platens, not thin sheet metal. Hunt does not describe or suggest sheet metal nor does Hunt teach fasteners drilled through the "sheet metal."

Accordingly, Hunt does not describe or suggest all the limitations of Claim 12 and dependent Claims 17 and 20. The Examiner is therefore respectfully requested to withdraw the rejection under 35 U.S.C. § 102(b) of Claims 12, 17 and 20 in view of Hunt.

4. The Examiner has also rejected Claims 13 and 17-19 under 35 U.S.C. § 103(a) as being unpatentable over either Hunt or Glover as applied to Claim 12 above, and further in view of U.S. Pat. No. 3,133,339 to Thomas Ribich ("Ribich"). Claims 13 and 17-19 are patentable because Claim 12 is patentable. Claims depending from allowable claims are themselves allowable.

5. Claims 1-5, 7-11, 14, and 22-25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 5,533,845 to John Glover ("Glover"), as discussed for Claims 12-13 and 15-21 above, and further in view of either U.S. Pat. No. 5,503,203 to Ase Stornetta ("Stornetta") or U.S. Pat. No. 3,837,383 to Kenneth Ko ("Ko"). The rejection states that Glover teaches the aspects of the invention discussed above, and also teaches "grips," i.e., the alignment wheels 18 and 19 in Fig. 6, which each have a gripping handle protruding therefrom. Glover does not teach a vacuum fitting for removing machined debris, while Stornetta and Ko both teach such a fitting. Therefore, states the rejection, it would have been obvious to one having ordinary skill in the art to use the attachment of Stornetta and Ko with the device of Glover, to reduce the hazard to the operator.

Applicants traverse the rejections. As noted above, Glover does not describe or suggest several limitations of the apparatus described in the present application. As applied to independent Claim 1, Glover does not disclose aircraft skin, nor does Glover describe or suggest the claimed limitations of "a guide, fastened to the skin by fasteners drilled through the skin," or "a router." Furthermore, Glover does not describe or suggest the functional limitation "wherein an operator adjusts the router vertical adjustment for a desired depth of cut on the aircraft skin lap [and] the router cuts the skin lap." The rejection cites no portion of Glover for these limitations, nor does the rejection cite any passage in Stornetta or Ko for these limitations. Accordingly, the combined references do not describe or suggest all the limitations of Claim 1 and independent Claims 2-5 and 7-11. The Examiner is therefore respectfully requested to withdraw the rejection under 35 U.S.C. § 103(a) of Claims 1-5 and 7-11.

As applied to dependent Claim 14, the discussion above in paragraph 2 with respect to Glover and Claim 12 establishes that Glover does not disclose Claim 12 limitations of at least "a guide, fastened to the sheet metal by fasteners drilled through the sheet metal," and "a router." The addition of Stornetta or Ko above for a vacuum fitting does not cure the shortcomings of Glover in describing the inventions claimed in Claims 12 and 14. Accordingly, the Examiner is respectfully requested to withdraw the rejection under 35 U.S.C. § 103(a) of Claim 14.

As applied to independent Claims 22 and 24, Glover does not describe or suggest a router apparatus for aircraft skin, or a sheet metal router apparatus. As applied to Claim 22, Glover does not describe or suggest "a nylon guide, fastened to the skin by fasteners drilled through the

skin," nor "a platform, mounted on the guide, the platform interfacing with the guide through at least one bearing." As applied to independent Claim 24, Glover does not describe or suggest "a nylon guide, fastened to the sheetmetal by fasteners drilled through the sheetmetal," nor does Glover describe or suggest "a platform mounted on the guide, the platform interfacing with the guide through at least one bearing."

Claims 22 and 24 are therefore allowable, as are their dependent claims, Claims 23 and 25. The Examiner is therefore respectfully requested to withdraw the rejection under 35 U.S.C. § 103(a) of Claims 22-25.

7. Applicants request that the Examiner withdraw the rejections of Claims 1-25 under 35 U.S.C. § 102(b) and § 103(a). Applicants believe that the Claims are in form for allowance, and respectfully request the Examiner to advance the claims to allowance. The Examiner is respectfully requested to call the undersigned if such will be of assistance to the Examiner or will help expedite the allowance of the claims.

Respectfully submitted,

David W. Okey
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